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11 *Admitted Pro Hac Vice in related Federal Case No. 3:06-cv-0056 & 00145-LRH-VPC*

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
JAN 18 2007	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY	DEPUTY

12 **UNITED STATES DISTRICT COURT**

13 **FOR THE DISTRICT OF NEVADA**

14 In the Matter of the Search of:

15 12720 Buckhorn Lane, Reno, NV

16 and

17 888 Maestro Drive, Reno, NV, Storage Unit

18 Numbers 136, 140, 141, 142, and 143

- 19) CASE NO.: 3:06-CV-0263-LRH (VPC)
- 20) 3:06-MJ-0023-VPC
- 21) **MONTGOMERY'S EX PARTE MOTION FOR AN**
- 22) **ORDER SHORTENING TIME ON HIS MOTION**
- 23) **TO UNSEAL THIS CASE FORTHWITH.**
- 24) **FILED UNDER SEAL**
- 25)

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1 Pursuant to LR 6.1-6.2, Dennis Montgomery (hereinafter "Montgomery") moves ex parte for
2 an order shortening time upon which his motion to unseal this case forthwith can be heard.
3 Although Judge Cooke ruled to unseal the case on November 28, 2006, the District Court has not yet
4 ruled on that Order; and new facts and events have occurred since November 2006, as set forth in
5 Montgomery's motion to unseal and the accompanying Declaration of counsel, Michael J. Flynn,
6 which compels an immediate unsealing of this case. As set forth in the motion to unseal, the
7 importance of unsealing this case now relates to matters vital to national security, pending
8 investigations by the Justice Department and Congress, and are of substantial public importance.
9

10 **ARGUMENT**

11 **GOOD CAUSE HAS BEEN ESTABLISHED**

12 Pursuant to LR 6.1-6.2 and 9006, Montgomery requests an order to shorten time upon which
13 his motion for an immediate unsealing of this case may be heard. As set forth in Montgomery's
14 motion to unseal, and the accompanying Declaration of Mr. Flynn, filed herewith, good cause exists
15 to shorten the time for a hearing on this motion, and there is no prejudice to the "Government."
16

17 **THERE WILL BE NO PREJUDICE TO THE GOVERNMENT IF THE COURT SHORTENS TIME TO**
18 **HEAR THE MOTION TO UNSEAL.**

19 Montgomery's counsel spoke to the new AUSA assigned to this case, attorney Rachow, from
20 the Nevada U.S. Attorney's Office on January 18, 2006, and he would not agree to shorten time.
21 (Atty. Decl., ¶ 22, filed herewith). However, there will be no prejudice to the *Government* if the
22 Court grants this ex parte request to shorten time because: (i) the issue of unsealing is a narrow but
23 extremely urgent one that can only benefit the *Government*—which represents the collective will
24 and interests of the American citizenry—not the secretive and nefarious intentions of the local
25 Nevada U.S. Attorney's Office; (ii) the facts and issues at stake are of national importance to the
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1 American public—they can only benefit from unsealing; (iii) the former Nevada U.S. Attorney and
2 local FBI are under investigation by the Department of Justice and cannot be relied upon, given the
3 findings of Judge Cooke, and the pending investigation; (iv) the case never should have been sealed
4 in the first place prior to the issuance of the warrants based on the ex parte request of the Nevada
5 U.S. Attorney's Office since there was no classified information as the *Government* later admitted; (v)
6 the law is clear that the public has a right to know what is transpiring in this case; (vi) the law
7 strongly favors public access to judicial proceedings; (vii) the facts and proceedings at issue in the
8 search matter are critically relevant at this time to protect the integrity of the administration of justice
9 and to our national defense; and, finally, (viii) a delay in sealing this case may jeopardize the lives of
10 Americans as set forth in the attached pleadings. Truly, time is of the essence. If the Court puts this
11 motion on an expedited briefing schedule, i.e., the government files an objection, if any, within five
12 business days of the filing date of this motion, and Montgomery files his Reply within three days of
13 receipt of the Objection, the *Government* will have ample time to respond to this narrow issue.

17 CONCLUSION

18 For all of the above reasons, this ex parte motion to shorten time on the motion to unseal and
19 a hearing date of eleven days from the date of an Order granting this ex parte, or at the Court's
20 convenience, should be granted.

22 Respectfully submitted,

23 Dated: January 18, 2007

24 By: _____ /s/

25 Michael J. Flynn, Attorney for DENNIS MONTGOMERY

26 IT IS SO ORDERED:

27 _____
28 United States District Judge, or
United States Magistrate Judge, or
United States Court Clerk.

CERTIFICATE OF SERVICE

I, Zachary Draper, declare: I am an employee in the City of Reno, County of Washoe, State of Nevada, employed by the Law Office of Logar & Pulver, PC, located at 225 S. Arlington Avenue, Suite A, Reno, NV 89501. I am over the age of 18 years and not a party to this action.

I am readily familiar with the Law Office of Logar & Pulver's practice for the collection of mail, delivery of its hand-deliveries, their process of facsimile's and the practice of mailing.

On Jan. 18, 2007 I caused the following documents, (1.) the Montgomerys' Opposition to the Gov't Objections to the Nov. 28, 2006 Order, with attachment Exhibit A; and (2) this certificate of service to be delivered to the following persons and/or entities:

Sent Via Hand Delivery:

1. Jake Herb or Lia Griffen, or U.S. Dist. Court, District of Nevada, Reno, U.S. District Court, 400 S. Virginia St., Reno, NV 89501; and
2. Ronald Rachow, AUSA, and the Reno U.S. Attorney, United States Attorney's Office for the District of Nevada, 100 W. Liberty Street, Reno, NV 89501; fax (775)-784-5181.

Zachary Draper
Zachary Draper
For the Law Office of Logar & Pulver